



**VOSH PROGRAM DIRECTIVE: 12-152B**

**ISSUED: February 1, 2005**

**SUBJECT: Occupational Injury and Illness Recording and Reporting Requirements, §§1904.0 through 1904.46; and Amendments**

**A. Purpose.**

**CHANGE I:** This directive transmitted to field personnel the revised final rule for Occupational Injury and Illness Recording and Reporting Requirements. It also informed field personnel about the repeal of Accident Reports, Occupational Injury and Illness Records and the Annual Survey, 16 VAC 25-60-50 through 16 VAC 25-60-70, respectively, in the VOSH Administrative Regulations Manual (ARM).

**CHANGE II:** This change revised the hearing loss recording criteria in §1904.10(a) and 1904.10(b)(1)-(7).

**CHANGE III:** This change deleted the “musculoskeletal disorder” (MSD) entry on the OSHA 300 Log because federal OSHA determined that there was no justification for a separate MSD column on the Log if an employee experiences a work-related MSD.

*This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.*

**B. Scope.**

This directive applies to all VOSH personnel.

**C. References.**

**CHANGE I:** 66 FR 5915 (January 19, 2001).  
66 FR 35113 (July 3, 2001); OSHA Memorandum 01-03 (July 10, 2001).  
66 FR 52031 (October 12, 2001).  
OSHA Memorandum 01-03b (July 9, 2002).

**CHANGE II:** 67 FR 44037 (July 1, 2002); OSHA Memorandum #01-03c (January 21, 2003).

**CHANGE III:** 68 FR 38601 (June 30, 2003); OSHA Memorandum #02-03c (January 23, 2003).

**D. Cancellation.**

VOSH Program Directive 12-152A (April 1, 2003).

**E. Action.**

Directors and Managers shall ensure that field personnel understand and comply with the standard included in this directive.

**F. Effective Dates.**

**CHANGE I:**           **December 31, 2001:**  
Repeal of 16 VAC 25-60-50  
through 16 VAC 25-60-70

**January 1, 2002:**  
§§1904.0 through 1904.9,  
1904.11, and  
1904.13 through 1904.46

**January 1, 2003:**  
§§1904.10 and 1904.12

**CHANGE II:**       March 1, 2003.

**CHANGE III:**     January 15, 2004.

**G. Expiration Date.**

Not Applicable.

**H. Background.**

**CHANGE I:** OSHA revised this final rule as a result of three decades of what many employers considered complicated recordkeeping requirements with cumbersome forms and limited technological assistance.

On January 18, 2001, federal OSHA published the final rule on recording and reporting requirements (“recordkeeping”), with an effective date of January 1, 2002 (66 FR 5916). On January 20, 2001, the Bush Administration ordered a blanket 60-day freeze on federal regulations, including recordkeeping, that were adopted and published before January 20, 2001 by the Clinton Administration, but had not yet taken effect. The purpose of the freeze was to allow the Bush Administration additional time to further review the regulations involved.

Following the regulatory review process conducted by the Bush administration, OSHA determined that all but a few of the provisions of the final recordkeeping rule should take effect as scheduled on January 1, 2002.

On July 3, 2001, OSHA published a notice explaining that it was reconsidering the requirement in §1904.10 to record all cases involving an occupational hearing loss averaging 10 decibels (dB) or more.

OSHA found that there were reasons to question the appropriateness of 10 dB as the recording criterion, and asked for comments on other approaches and criteria. OSHA also stated that it was reconsidering the requirements in §1904.12, defining “musculoskeletal disorder” (MSD) and requiring that employers check the MSD column on the OSHA Log for a case involving an MSD. OSHA determined that it would be premature to require employers to implement a new definition of MSD while OSHA is considering the issue in connection with a comprehensive ergonomics plan.

After considering the views of interested parties, OSHA published a final rule on October 12, 2001, delaying the effective date of §§1904.10(a) and 1904.12(a) and (b) until January 1, 2003. (66 FR 52031-52034) Federal OSHA added a new paragraph (c) to §1904.10, which established a 25-dB recording criterion for hearing loss cases for calendar year 2002. Additionally, OSHA modified the regulatory note to paragraph (b)(7)(vi) of §1904.29 to delay the language referring to privacy case consideration for MSD cases.

At its meeting on October 18, 2001, the Safety and Health Codes Board adopted federal OSHA’s revised rule on recording and reporting occupational injuries and illnesses, §§1904.0 through 1904.9, 1904.11, and 1904.13 through 1904.46, with an effective date of January 1, 2002. The Board also delayed the effective dates, until January 1, 2003, for the following provisions: §§1904.10 (a) and (b), specifying criteria for cases involving occupational hearing loss; 1904.12, defining “musculoskeletal disorder” (MSD), and requiring employers to check the MSD column on the OSHA Log if an employee experiences a work-related MSD; as well as the second sentence of §1904.29(b)(7)(vi) covering forms, and stating that MSDs are not considered privacy concern cases.

**CHANGE II:** On July 1, 2002, federal OSHA published in the *Federal Register* two regulatory actions regarding §1904.12. First, federal OSHA published a final rule revising the hearing loss recording provisions of the recordkeeping rule in §1904.10. A note was added delaying until further notice the applicability of paragraph (b)(7) which requires employers to check the hearing loss column on the Log for hearing loss cases meeting the revised recording criteria. (67 FR 44037-44048) In a separate action published in the same issue of the *Federal Register*, OSHA sought public comments on a proposed one-year delay, from January 1, 2003 until January 1, 2004, of §1904.10(b)(7), establishing new recording criteria for occupational hearing loss that captured Standard Threshold Shifts (STS) cases when the employee’s overall hearing level exceeded 25dB from audiometric zero. (67 FR 44037-44048)

At its meeting on December 2, 2002, the Safety and Health Codes Board adopted federal OSHA’s revised final rule covering the hearing loss recording provisions of §1904.10(a) and (b)(1)-(7), effective on March 1, 2003, and the delay of the effective date for §1904.10(b)(7) until further notice.

After considering the views of interested parties, OSHA determined that the effective date of §§1904.12 and 1904.29(b)(7)(vi) should be delayed until January 1, 2004. On December 17, 2002, federal OSHA issued a final rule delaying until January 1, 2004 the effective date of the MSD and hearing loss column requirements in §§1904.12 and 1904.29(b)(7)(vi), respectively, and the statement in §1904.29(b)(7)(vi) that MSDs are not considered privacy concern cases. (67 FR 77165-77170) OSHA had not reached a decision on the need for an MSD column and other issues related to §1904.12 on which comments had been requested.

On June 13, 2003, the Safety and Health Codes Board adopted federal OSHA’s delayed effective dates with an effective date of January 1, 2004.

**CHANGE III:** On June 30, 2003, in a continuing effort to address lingering recordkeeping issues, federal OSHA published in the *Federal Register* (66 FR 38601) its decision to delete the MSD requirement in §1904.12, and related provisions as unnecessary.

On November 5, 2003, the Safety and Health Codes Board adopted federal OSHA's amendment to the revised recordkeeping final rule in §§1904.12 and 1904.29(b)(7)(vi), with an effective date of January 15, 2004.

## **I. Summary.**

### **CHANGE I:**

#### **1. Revised Federal Regulation.**

This rulemaking completed a larger overall effort to revise, update and simplify requirements in Part 1904 of Title 29 of the Code of Federal Regulations, dealing with recording and reporting occupational injuries and illness.

Federal OSHA uses the Occupational Injury and Illness Recording and Reporting ("Recordkeeping") survey results to target the most hazardous types of work sites as well as to direct its compliance assistance resources in the most efficient manner. With this revision, federal OSHA updated its rule on recording and reporting of occupational injuries and illnesses (29 CFR Part 1904), including the forms employers use to record those injuries and illnesses. The revisions to the final rule will produce more useful injury and illness records in the following ways: by collecting better information about the incidence of occupational injuries and illnesses on a national basis; by promoting improved employee awareness and involvement in the recording and reporting of job-related injuries and illnesses; by simplifying the injury and illness recordkeeping system for employers; and by permitting increased use of computers and telecommunications technology for OSHA recordkeeping purposes.

Under the new rule, like the former rule, employers with 10 or fewer employees would continue to be exempt from most recordkeeping requirements, as are a number of industries classified as low-hazard retail, service, finance, insurance and real estate sectors. The new regulation updates the list of exempted industries. All employers covered by the Occupational Safety and Health Act must continue to report any workplace incident resulting in a fatality or the in-patient hospitalization of three or more employees.

The revised rule also includes a provision for recording needlestick and sharp injuries that is consistent with recently-passed federal legislation requiring OSHA to revise its bloodborne pathogens standard to address such injuries. This provision is expected to result in a significant increase in recordable cases annually.

This regulation, written in plain language, uses a question and answer format. For the first time, the regulation checklists and flowcharts are used in this regulation to provide easier interpretations of recordkeeping requirements.

## **2. Repeal of Related ARM Sections.**

The Board's repeal of 16 VAC 25-60-50 on Accident Reports, 16 VAC 25-60-60 on Occupational Injury and Illness Records and 16 VAC 25-60-70 on the Annual Survey and the adoption of federal OSHA's regulations for the Occupational Injury and Illness Recording and Reporting Requirements once again allows these VOSH regulations to be identical to, and "as effective as," those of federal OSHA.

**CHANGE II:** On July 1, 2002, OSHA published a revision to the hearing loss recording provisions of the recordkeeping rule which was published on January 19, 2001 (66 FR 5916-6135), scheduled to take effect on January 1, 2003 (66 FR 52031-52034). This change revises the criteria for recording hearing loss cases in several ways, including requiring the recording of Standard Threshold Shifts (10 dB shifts in hearing acuity) that have resulted in a total 25 dB level of hearing above audiometric zero, averaged over the frequencies at 2000, 3000, and 4000 H, beginning in year 2003. (67 FR 44038)

In a separate *Federal Register* notice also issued on July 1, 2002 (67 FR 44124), OSHA proposed delaying the effective dates of three provisions of the recordkeeping rule while it awaits comments. They are as follows: (1) the definition of "musculoskeletal disorder (MSD)" and the requirement to check the MSD column on the OSHA Log if an employee experiences a recordable work-related MSD in §1904.12; (2) the statement that MSDs are not considered "privacy concern cases," §1904.29(b)(7)(vi); and (3) the requirement that employers enter a check in the hearing loss column of the OSHA 300 Log for cases involving occupational hearing loss in §1904.10(b)(7).

OSHA proposed to delay §1904.12 so that it can have the time necessary to resolve whether and how MSDs should be defined for recordkeeping purposes to cause the least disruption to employers, employees and the Bureau of Labor Statistics, which is responsible for compiling and publishing occupational injury and illness statistics. The delay for §1904.10 would determine the need for an MSD column and it would permit additional viewpoints (employers, scientists, statisticians and others who would gather and interpret the data). Federal OSHA added a regulatory note to §1904.29(b)(7)(iv) explaining that it was delaying the applicability of §1904.10(b)(7) until January 1, 2004 while it reconsiders the hearing loss column of the OSHA 300 Log.

**CHANGE III:** Federal OSHA deleted two provisions of the Occupational Injury and Illness Recording and Reporting Requirements ("Recordkeeping") rule published on January 19, 2001. The first provision deleted was §1904.12 which required employers to check the musculoskeletal disorder (MSD) column on the OSHA 300 Log if an employee experienced a work-related MSD. The second provision amended §1904.29(b)(7)(vi) by deleting the MSD requirement which stated that MSDs are not considered privacy concern cases.

Since publication of the Recordkeeping rule in January 2001, the effective date of these provisions had been delayed by federal OSHA and also by the Board. As a result, the requirements deleted by this final rule have never been in effect. (68 FR 38601)

## **J. Summary/Highlights of the Revised Regulation**

Several highlights of the revised regulation include the following:

## CHANGE I:

- Updated three recordkeeping forms:
  - (1) OSHA Form 300 (Log of Work-Related Injuries and Illnesses);
  - (2) OSHA Form 301 (Injury and Illness Incident Report); and
  - (3) OSHA Form 300A (Summary of Work-Related Injuries and Illnesses);
- Eliminated different criteria for recording work-related injuries and work-related illnesses; one set of criteria will be used for both;
- Requires records to include any work-related injury or illness resulting in one of the following: death; days away from work; restricted work or transfer to another job; medical treatment *beyond* first aid; loss of consciousness; or diagnosis of a significant injury/illness by a physician or other licensed health care professional;
- Requires a *significant* degree of aggravation before a preexisting injury or illness becomes recordable;
- Clarified the recording of “light duty” or restricted work cases;
- Requires employers to record all needlestick and sharps injuries involving contamination by another person’s blood or other bodily fluids;
- Requires employers to record standard threshold shifts (STS) in employees’ hearing. Provides a separate column on the OSHA Form 300 to capture statistics on hearing loss;
- Eliminated the term “lost workdays” and focuses on days away or days restricted or transferred. Also includes new rules for counting that rely on calendar days instead of workdays;
- Requires employers to establish a procedure for employees to report injuries and illnesses and tell their employees how to report. Employers are *prohibited* from discriminating against employees who do report. For the first time, employee representatives will have access to those parts of the OSHA 301 form relevant to the employees they represent;
- Protects employee privacy by: (1) prohibiting employers from entering an individual’s name on Form 300 for certain types of injuries/illnesses; (2) providing employers the right not to describe the nature of sensitive injuries where the employee’s identity would be known; (3) giving employee representatives access only to the portion of Form 301 which contains no personal identifiers; and (4) requiring employers to remove employees’ names before providing the data to persons not provided access rights under the regulation;
- Requires the annual summary to be posted for three (3) months instead of one;
- Requires certification of the summary by a company executive; and

- Changes the reporting of fatalities and catastrophes to exclude some motor carrier and motor vehicle accidents.

## **CHANGE II:**

- Aligning the recording threshold from hearing loss cases with the STS criterion in the Noise Standard will simplify recording for many employers who are already familiar with this criterion and provide more opportunities for employers to intervene to prevent other hearing loss cases.
- Possession of information about events and exposures will increase the ability of employers to identify hazardous conditions and take remedial action to prevent future illnesses.
- Revision in this rule will also make the injury and illness records more useful to OSHA, as well as to employers and employees.
- Improvements in the records being kept by employers would enhance OSHA's capacity to focus compliance outreach efforts on the most significant hazards; identify types or patterns of illness whose investigations might lead to regulating changes or other types of prevention efforts, such as enforcement strategies, information and training, or technology development; and set priorities among establishments for inspection purposes.
- Employers and employees both stand to benefit from the more effective use of OSHA's resources. The enhanced ability of compliance officers to identify patterns of illness will enable OSHA to focus on more serious problems.
- Identification of such patterns will also increase the ability of employers to control these hazards and prevent other similar illnesses.

## **CHANGE III:**

- Deleted §1904.12, requiring employers to check the MSD column on the OSHA 300 Log if an employee experienced a work-related MSD; and
- Deleted MSD requirement in §1904.29(b)(7)(vi) stating that MSD injuries and illnesses are not to be considered privacy concern cases.

C. Ray Davenport  
Commissioner

Attachments: **CHANGE I:** NONE. Please refer to 66 FR 5915 (January 19, 2001) at:  
[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20010119.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20010119.pdf)

Please refer to 66 FR 35113 (July 3, 2001) at:  
[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20010703.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20010703.pdf)

Please refer to 66 FR 52031 (October 12, 2001) at:  
[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20011012.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20011012.pdf)

**CHANGE II:** NONE. Please refer to 67 FR 44037 (July 1, 2002) at:  
[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20020701.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20020701.pdf)

**CHANGE III:** 68 FR 38601 (June 30, 2003) or refer to:  
[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20030630.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20030630.pdf)

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**Occupational Injury and Illness Recording and Reporting Requirements,  
§§1904.0 through 1904.46; and**

As adopted by the  
Safety and Health Codes Board

Date: October 11, 2001

**16 VAC 25-60-50, Accidents Reports; 16 VAC 25-60-60,  
Occupational Injury and Illness Records, and 16 VAC 25-60-70,  
Annual Survey**

As Repealed by the  
Safety and Health Codes Board

Date: October 11, 2001



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Dates: January 1, 2002  
January 1, 2003

16 VAC 25-60-1904.0 through 1904.46, Occupational Injury and Illness Recording and Reporting Requirements, §§1904.0 through 1904.46, Revised Final Rule; and

Effective Date: December 31, 2001

Repeal of 16 VAC 25-60-50, 16 VAC 25-60-60 and 16 VAC 25-60-70

When the regulations, as set forth in the final rule for the 16 VAC 25-85-1904.0 through 1904.46, Occupational Injury and Illness Recording and Reporting Requirements, §§1904.0 through 1904.46, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and  
Industry

Agency

Department

29 CFR 1904.0 through 1904.46

16 VAC 85-1904.0 through 1904.46

**January 1, 2002** (for 29 CFR  
1904.0 through 1904.09, 1904.10(c)  
1904.11 and 1904.13 through 1904.28,  
1904.30 through 1904.46, 1904.29 except  
the second sentence in (b)(7)(vi))

**January 1, 2002** (for §§1904.0 through  
1904.09, 1904.10(c), 1904.11 and 1904.13  
through 1904.28, 1904.30 through 1904.46,  
1904.29, except the second sentence in  
(b)(7)(vi))

**January 1, 2003** (for 29 CFR 1904.10  
(a) and (b), 29 CFR 1904.12 and 1904.29  
(b)(7)(vi)) second sentence

**January 1, 2003** (for §§ 1904.10(a) and (b),  
1904.12, and 1904.29 (b)(7)(vi)) second  
sentence

**Implementation Schedule**

The following sections will become  
**effective on January 1, 2002**

1904.0 through 1904.09  
1904.10(c)  
1904.11  
1904.13 through 1904.28  
1904.29 except (b)(7)(vi) second sentence  
1904.30 through 1904.46

The following sections will become  
**effective on January 1, 2003**

1904.10(a) and (b)  
1904.12  
1904.29(b)(7)(vi) second sentence

**Occupational Injury and Illness Recording and Reporting Requirements, §1904.10**

As adopted by the  
Safety and Health Codes Board

Date: December 2, 2002



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective dates: March 1, 2003

When the regulations, as set forth in the final rule for the Occupational Injury and Illness Recording and Reporting Requirements, §1904.10, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and  
Industry

Agency

Department

29 CFR 1904.0 through 1904.46

16 VAC 25-60-1904.0 through 1904.46

January 1, 2003

March 1, 2003

**16 VAC 25-85-1904, Occupational Injury and Illness Recording and Reporting Requirements, Revised  
Final Rule, §§1904.12 and 1904.29**

As Adopted by the  
Safety and Health Codes Board

Date: November 5, 2003



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 15, 2004

16 VAC 25-85-1904, Occupational Injury and Illness Recording and Reporting Requirements,  
Revised Final Rule

When the regulations, as set forth in the revised final rule for the Occupational Injury and Illness Recording and Reporting Requirements, §§1904.12, and 1904.29 (b)(7)(vi), are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

January 1, 2004

January 15, 2004